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THE STATE SENATE
Wednesday, February 11, 2009

Senate Bill No. 24

SENATE BILL NO. 24 - By: Ford of the Senate and Sears of the House.

An Act relating to officers; amending 51 O.S. 2001, Section 6, as last amended by Section 1, Chapter 170, O.S.L. 2007 (51 O.S. Supp. 2008, Section 6), which relates to office holding; adding certain exemption; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 51 O.S. 2001, Section 6, as last amended by Section 1, Chapter 170, O.S.L. 2007 (51 O.S. Supp. 2008, Section 6), is amended to read as follows:

Section 6. A. Except as may be otherwise provided, no person holding an office under the laws of the state and no deputy of any officer so holding any office shall, during the person's term of office, hold any other office or be the deputy of any officer holding any office, under the laws of the state. The provisions of this section shall not apply to:

- 1. Notaries public;
- 2. Members of the State Textbook Committee;
- 3. County free fair board members;
- 4. Municipal and county law enforcement officers serving in positions as law enforcement officers of both such governmental entities upon such terms and conditions as are mutually approved by

1 resolutions adopted by the board of county commissioners and
2 governing body of the municipality employing such officers;

3 5. Any person holding a county or municipal office or position,
4 or membership on any public trust authority, who is a member of a
5 board or commission that relates to federal, state, county or
6 municipal government and is created by the United States Government,
7 the State of Oklahoma or a political subdivision of the state,
8 except where the duties of the offices or positions conflict;

9 6. Any member of a board of regents of any institution within
10 The Oklahoma State System of Higher Education who is elected to a
11 municipal governing body, so long as that member does not receive
12 compensation for such services on the board other than reimbursement
13 for necessary travel expenses pursuant to the provisions of the
14 State Travel Reimbursement Act;

15 7. Any elected municipal officers and school board members who
16 are appointed to a state board, commission, or similar entity if
17 there is no compensation for such services other than reimbursement
18 for necessary travel expenses pursuant to the provisions of the
19 State Travel Reimbursement Act;

20 ~~7.~~ 8. Any trustee of a public trust, who is appointed as a
21 trustee of a different public trust or any trustee of the Tulsa
22 County Public Facilities Authority who may also be employed by the
23 Department of Transportation;

1 ~~8-~~ 9. Law enforcement officers employed by municipal or county
2 law enforcement departments or agencies, other than those law
3 enforcement officers elected or appointed as sheriff, chief of
4 police or some similar position in which they are the head of a
5 county or municipal law enforcement agency, who are elected to local
6 boards of education; provided, the provisions of this paragraph
7 shall not prohibit any law enforcement officer employed by a
8 municipality having a population of ten thousand (10,000) or fewer
9 people from serving as a member of a local board of education;

10 ~~9-~~ 10. Any member of the Oklahoma Highway Patrol Division of
11 the Department of Public Safety who is elected to a local board of
12 education;

13 ~~10-~~ 11. Any District Supervisor, Assistant District Supervisor,
14 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the
15 Department of Corrections who is elected or appointed to a city
16 council;

17 ~~11-~~ 12. Any trustee or director of a rural electric
18 cooperative, or port authority who is appointed or elected to a
19 state, county or municipal board, commission or similar entity;

20 ~~12-~~ 13. County employees who are elected as members of town or
21 city councils;

1 ~~13.~~ 14. Municipal, county, state or tribal law enforcement or
2 peace officers operating under cross-deputization agreements with an
3 Indian tribe or branch of the federal government;

4 ~~14.~~ 15. Municipal or county law enforcement or peace officers
5 serving in positions as campus police officers or campus public
6 safety officers pursuant to the provisions of the Oklahoma Campus
7 Security Act, upon such terms and conditions as are mutually
8 approved by resolution adopted by the governing body of the
9 municipality or county and the governing board of the institution of
10 higher education;

11 ~~15.~~ 16. State law enforcement or peace officers serving in
12 positions as campus police officers or campus public safety officers
13 pursuant to the provisions of the Oklahoma Campus Security Act, upon
14 such terms and conditions as are mutually approved by written
15 agreement between the Commissioner of Public Safety and the
16 governing board of the institution of higher education;

17 ~~16.~~ 17. Municipal and county law enforcement officers serving
18 in positions as part-time rangers under the Oklahoma Tourism and
19 Recreation Department;

20 ~~17.~~ 18. The Administrator of a Scenic Rivers Commission serving
21 in the position of a park ranger under the Oklahoma Tourism and
22 Recreation Department;

23 ~~18.~~ 19. Members of the University Hospitals Authority;

1 ~~19.~~ 20. Any person holding a state office or position who is a
2 reserve force deputy sheriff or a reserve municipal police officer;

3 ~~20.~~ 21. Any person holding a state office or position who
4 serves as a special assistant district attorney without
5 compensation;

6 ~~21.~~ 22. Any elected or appointed member of a local school board
7 who is a member of a municipal planning commission;

8 ~~22.~~ 23. Any elected or appointed member of a local school board
9 who is a member or an officer of a volunteer fire department;

10 ~~23.~~ 24. Directors or officers of a rural water district and
11 chiefs of municipal fire departments or rural fire districts who are
12 appointed or elected to an unsalaried office in a state, county,
13 municipal, school, or technology center school board, commission, or
14 similar entity, except where the duties of the office would create a
15 conflict of interest;

16 ~~24.~~ 25. Any person who is a dispatcher or confinement officer
17 at a municipal or county jail who is a noncompensated reserve
18 municipal police officer or a reserve deputy sheriff;

19 ~~25.~~ 26. Any person who is an assistant district attorney
20 serving as a municipal judge or prosecutor;

21 ~~26.~~ 27. Any park ranger under the Oklahoma Tourism and
22 Recreation Department who is elected or appointed to a local board

1 of education or to a municipal board, commission or similar entity;
2 and

3 ~~27.~~ 28. Members of the Oklahoma State University Medical Center
4 Authority or the Oklahoma State University Medical Trust.

5 The provisions of this section shall not prohibit any person
6 holding an office under the laws of the state or any deputy of any
7 officer so holding any office from serving upon the board of
8 Oklahoma Futures or upon the board of directors of the Oklahoma
9 Center for the Advancement of Science and Technology. The
10 provisions of this section shall not prohibit a member of the board
11 of directors of the Oklahoma Center for the Advancement of Science
12 and Technology from serving upon the board of Oklahoma Futures.

13 B. Any salaries, emoluments or benefits that would otherwise be
14 paid by the agency or political subdivision to a loaned employee or
15 officer shall instead be paid to the regular employer of such
16 employee. The loaned employee shall in turn be paid regular salary
17 and benefits the same as if continuing regular employment with the
18 permanent employer.

19 SECTION 2. This act shall become effective November 1, 2009.

20 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-9-09 -
21 DO PASS.